

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 CAB-02 CIAE-00

COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00

AID-05 OMB-01 TRSE-00 L-03 NSC-05 SS-15 SP-02 PA-01

PRS-01 USIA-06 /089 W

----- 116787

R 211016Z SEP 76

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 3628

INFO AMCONSUL HONG KONG

USMISSION GENEVA

AMEMBASSY MONTREAL

AMEMBASSY PARIS

AMEMBASSY TOKYO

AMEMBASSY VIENTIANE

CINCPAC HONOLULU HI

C O N F I D E N T I A L BANGKOK 26290

NOFORN

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS: PFOR, EAIR, LA, KH, VN, TH

SUBJECT: OVERFLIGHTS OF VIET-NAM AND LAOS

REF: VIENTIANE 2263

SUMMARY: THE QUESTION OF OVERFLIGHTS OF VIET-NAM AND LAOS
CONTINUES TO MOVE SLOWLY, WITH THAILAND AND LAOS DRAGGING
THEIR FEET POLITICALLY, AND VIET-NAM SEEKING AN EXCESSIVE
AMOUNT IN FEES. PROSPECTS ARE FOR SLOW, FORWARD MOVEMENT ON
THE ISSUE. END SUMMARY.

1. EMBOFF DISCUSSED SITUATION OF OVERFLIGHTS OF VIET-NAM
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AND LAOS ON SEPT 21 WITH PETER CUNNINGHAM, IATA REGIONAL

TECHNICAL DIRECTOR BASED IN BANGKOK. CUNNINGHAM TOLD US FOLLOWING IN CONFIDENCE.

2. ISSUE IS DIVIDED INTO QUESTIONS OF RIGHTS AND OF FEES. WITH RESPECT TO FORMER, SINCE THERE IS AGREEMENT IN PRINCIPLE AMONG ALL STATES CONCERNED, NORMAL OPERATING PROCEDURE IS FOR BILATERAL DISCUSSIONS TO TAKE PLACE BETWEEN ADJOINING STATES ON TECHNICAL LEVEL. OFTEN DISCUSSIONS OCCUR IN PRACTICE IN MEETINGS OF REPRESENTATIVES OF ALL INTERESTED STATES, CONVENED BY ICAO. IN THIS CASE, HOWEVER, SRV IS NOT MEMBER OF ICAO, SO THAT ORGANIZATION'S ROLE IS OF NECESSITY MORE LIMITED.

3. ALTHOUGH RTG OFFICIALS HERE HAVE BEEN REFERRING IN PUBLIC PRONOUNCEMENTS TO NEED FOR MEETING OF THAI, LAO, VIETNAMESE, AND HONG KONG REPRESENTATIVES, CUNNINGHAM SAID THERE IS ACTUALLY NO REQUIREMENT FOR ONE. FIRST, THAI AND LAO HAVE MAINTAINED THEIR COMMUNICATIONS LINKS, WHICH WOULD CONTINUE TO BE USED. SECOND, THERE IS PRESUMABLY NO PROBLEM BETWEEN LAO AND VIETNAMESE AVIATION AUTHORITIES. THIRD, HONG KONG AND VIET-NAM ARE NOW IN CLOSE AND FREQUENT TOUCH WITH ONE ANOTHER, AND WE WILL PROBABLY HEAR SOON THAT THEY ARE IN COMPLETE AGREEMENT ON HANDLING OF FLIGHTS BETWEEN THEM. CUNNINGHAM LEARNED SEPTEMBER 20 THAT PDRL HAS JUST WRITTEN RTG TO PROPOSE THAT THEY MEET AND DISCUSS TECHNICAL ARRANGEMENTS FOR OVERFLIGHTS (PREVIOUSLY PLANNED MEETINGS NOT HAVING OCCURRED), TRADE, AND OTHER MATTERS. AGAIN, ALTHOUGH DISCUSSION OF THE FIRST POINT IS NOT NEEDED, IT IS OBVIOUS THE TWO WANT TO GET TOGETHER AND HAVE A WIDER RANGE OF DISCUSSIONS, FOR WHICH THIS HELPS TO PROVIDE THE EXCUSE.

4. THE QUESTION OF FEES FOR OVERFLIGHTS IS PARTICULARLY VEXING. IT IS STANDARD, OF COURSE, FOR A STATE TO CHARGE SUCH A FEE TO COVER COSTS OF PROVIDING COMMUNICATIONS AND NAVIGATIONAL FACILITIES, SEARCH AND RESCUE, ETC., IF IT SO CHOOSES. (MANY COUNTRIES SIMPLY COVER THESE THROUGH LANDING AND OTHER AIRPORT FEES.) CUNNINGHAM DESCRIBED PROPOSED SCHEDULE OF FEES FOR OVERFLIGHT OF LAOS AS SLIGHTLY ABOVE WHAT IT SHOULD BE BUT, ESSENTIALLY, POSING NO PROBLEM. CONFIDENTIAL

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THE SRV'S SCHEDULE OF FEES, AS REFLECTED ON THE SLIPS OF PAPER HANDED TO AIRLINE REPRESENTATIVES WHO HAVE TRAVELLED TO HANOI TO NEGOTIATE OVERFLIGHT RIGHTS, IS PROBABLY TEN TIMES TOO HIGH, HOWEVER. (IN ALL CASES, THE VIETNAMESE HAVE BEEN QUOTING FEES WHICH ARE CONSISTENT; ALL DEPENDS ON THE MAXIMUM WEIGHT OF THE AIRCRAFT WHICH WILL BE DOING THE FLYING.)

5. CUNNINGHAM REPORTED THAT AIRLINE REPRESENTATIVES MET IN GENEVA SEPTEMBER 16 TO "COME TO GRIPS" WITH THE VIETNAMESE FEE ISSUE, WHICH IS PRIVATELY CONSIDERED TO BE VIRTUAL EXTORTION. AIRLINES WERE ASKED TO LAY OUT OPENLY THE SUBSTANCE OF THEIR DISCUSSIONS IN HANOI. CUNNINGHAM CONFIDED THAT NONE ADMITTED TO HAVING SIGNED AN AGREEMENT WITH THE SRV WHICH COMMITS THEM DEFINITELY TO PAY WHAT HANOI HAS ASKED.

6. IATA NOW HOPES TO TAKE THIS QUESTION ONE STEP FURTHER. DIRGEN HAMMERSKJOLD, ACCOMPANIED BY CUNNINGHAM AND TWO OTHER IATA OFFICIALS, HAS ASKED HANOI FOR PERMISSION TO VISIT THERE OCTOBER 3-5 TO DISCUSS THE FEES ISSUE. THERE HAS NOT YET BEEN A RESPONSE.

7. COMMENT: FROM ALL APPEARANCES, THIS ISSUE IS GOING TO CONTINUE TO DRAG ON. THE COUNTRIES OF THE AREA ARE PLAYING POLITICAL GAMES WITH ONE ANOTHER. THE SRV IS ASKING EX-HORBITANT OVERFLIGHT FEES WHICH CUNNINGHAM SUSPECTS SOME AIRLINES ARE QUITE PREPARED TO PAY, ALL DENIALS TO THE CONTRARY NOTWITHSTANDING. POSSIBLY, THE VISIT OF IATA OFFICIALS TO HANOI IN EARLY OCTOBER, IF THE VIETNAMESE AGREE TO ITS TIMING, MAY HAVE SOME RESULTS, BUT THE OVER-FLIGHTS WILL NOT BEGIN UNTIL THIS QUESTION IS RESOLVED AND THAILAND IN PARTICULAR IS PREPARED TO HAVE THEM BEGIN. AS BANGKOK IS THE LAST STOP BEFORE OR THE FIRST STOP AFTER TRANSIT OF VIET-NAM AND LAOS IN MOST CASES, NOTHING WILL HAPPEN UNTIL THE RTG HAS GIVEN ITS APPROVAL TO THE ARRANGEMENTS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: OVERFLIGHT AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BANGKO26290
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760356-1009
From: BANGKOK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760939/aaaabgyl.tel
Line Count: 145
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 VIENTIANE 2263
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 25 MAR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 MAR 2004 by ShawDG>; APPROVED <09 AUG 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OVERFLIGHTS OF VIET-NAM AND LAOS
TAGS: PFOR, EAIR, LA, VN, US, TH
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006